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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|----------------|----------------------|---------------------|------------------|
| 09/944,378 | 09/04/2001 | In Haeng Cho | K-0319 | 1269 |
| 34610 | 7590 02/02/200 | 5 | EXAMINER | |
| FLESHNER & KIM, LLP | | | PERRIN, JOSEPH L | |
| P.O. BOX 221200 CHANTILLY, VA 20153 | | | ART UNIT | PAPER NUMBER |
| , | | | 1746 | |
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DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE @ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In one event, however, may a reply be timely filled If the period for reply specified above its less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If the period for reply specified above, the resimant elations prend via Explay and via Experience St. (a) MONTH's form the mailing date of this communication. Failure to reply within the set or extended period for reply with, by statute, cause the application to become ABANDONED (33 U.S.C. § 133). Status 1) Responsive to communication(s) filled on 12 November 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-6 and 34-59 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) All b) All control of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No | | | | n | | | | |
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| Examiner Joseph L. Perrin, Ph.D. 1746 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edeasons of firm ray to available under the provisions of 37 CFR 1.136(s). In one event, however, may a reply be timely filled. If NO period for reply is predicted above, the mealing datafoxy period will apply and will expire SIX (8) IACRITIS from the mailing date of this communication. Failure is reply within the set or advanced carried for reply will be stated to principle. If NO period for reply is period above, the mealing date of this communication. Failure is reply within the set or advanced carried for reply specified above, the mealing date of this communication. Failure is reply within the set or advanced patient them adjustment. See 37 CFR 1.704(s). Status 1) □ Responsive to communication(s) filed on 12 November 2004. 2a) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.6 and 34-59 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are allowed. 8) □ Claim(s) is/are allowed. 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.62(d). 11) □ The coath or declaration is objected to by the Examiner. Note the attac | | Application N | Applicant(s) | | | | | |
| Joseph L. Perrin, Ph.D. 1746 1 | Office Action Summany | | CHO, IN HAEN | G | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estimators of time may be swilled under the provision of 3°C FR 1.15(e). In ore event, however, may a reply be timely filed after SIX (e) MONTHS from the making date of this communication apply which the statutory meintaining that of the communication of the communication of the provision of the prov | Office Action Summary | Examiner | Art Unit | | | | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exclusions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely fied Exclusions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely fied Exclusions of time may be available under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timely fied If No period for reply is period above, the maximum statutory period will apply and will expire SIX (a) MONTH'S from the maling date of this communication. Failure to reply specified above, the maximum statutory period will apply and will expire SIX (a) MONTH'S from the maling date of this communication, even if timely field, may reduce any cannot provide the maximum statutory event of the communication, even if timely field, may reduce any cannot patient term adjustment. See 37 CFR 1.704(b). Status 1) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-6 and 34-59 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) The specification is objected to by the Examiner. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 2) All b) Ackn | | · | | | | | | |
| THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely fited after SIX (b) MANTES from the mailing date of this communication. If the period for reply specified above is least han they (c)) days, a reply within the statistory minimum of thirty (30) days will be considered finely. Failure to reply within the sact or extended period for reply will, by statute, cause the application to become ABANDONED (cs. 1, 133). Any reply receded by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any examined patient term adjustment. See 37 CFR 1.794(b). Status 1) Responsive to communication(s) filed on 12 November 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-6 and 34-59 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-6 and 34-59 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 1-6 and 34-59 is/are rejected. 7) Claim(s) is/are objected to by the Examiner. 10) The presence of the specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 3) All b) Some column the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies n | | inication appears on the cov | er sheet with the correspondence a | address | | | | |
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| | Attachment(s) | | | | | | | |
| 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) | 1) Notice of References Cited (PTO-892) | 4) | | | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 12 November 2004 . Solution 12 November 2004 . Solution 12 November 2004 . Solution 13 Notice of Informal Patent Application (PTO-152) Solution 14 November 2004 . Solution 15 Notice of Informal Patent Application (PTO-152) Notice of Informal Patent Application (PTO- | 3) 🛛 Information Disclosure Statement(s) (PTO-1449 o | (PTO-948) or PTO/SB/08) 5) [| Paper No(s)/Mail Date Notice of Informal Patent Application (P | ГО-152) | | | | |

Application/Control Number: 09/944,378 Page 2

Art Unit: 1746

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12 November 2004 has been entered.

Allowable Subject Matter

2. The indicated allowability of claims 1-6 & 34-59 is withdrawn in view of the newly discovered reference(s) of JP 10-174799 (cited by applicant, electronic translation supplied by the Examiner). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35
U.S.C. 102 that form the basis for the rejections under this section made in this
Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 & 34-59 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP 10-174799 (hereinafter "JP '799"). JP '799 disclose a conventional washing machine controlled by and equipped with a first computer coupled to a second computer via an interface, at least one computer having conventional computer components including input (keypad) section, display, flash memory, the computers configured to transfer data back and forth, (see entire document, for instance, paragraphs [0006], [0016]-[0017], [0033]-[0036]). an RS-232C cable connection (paragraph [0006], modem connection for internet (paragraph [0033]). Since the structural components of JP '799 are connected in the manner claimed by applicant, the position is taken that the washing machine of JP '799 anticipates applicant's claims since JP '799 is "configured to" upload and download data. The specific data claimed by applicant is not positively recited (i.e. microcomputer programmed to...") rather is claimed as intended use which merely requires the capability to upload and download data programs (configured to...). It has been held that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963). Accordingly, recitation of JP '799 reads on applicant's claimed invention.

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

- 6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
- 7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Perrin, Ph.D.

Examiner Art Unit 1746

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